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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,862	09/24/2003	Richard J. Martin	2003P14536US	4383

7590 02/03/2006

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PIPALA, EDWARD J

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,862

Applicant(s)

MARTIN, RICHARD J.

Examiner

Edward Pipala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/24/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is subsequent to Applicant's response to a restriction requirement filed by Applicant on December 20, 2005.

Election/Restrictions

2. Applicant's election without traverse of invention II, species ^a/~~2~~readable on claims 8-19 in the reply filed on 12/20/05 is acknowledged. Claims 1-7 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on September 24, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner as indicated by the accompanying initialed copy of Applicant's form PTO-1449.

Claim Objections

4. Claim 18 is objected to because of the following informalities: "than" at the end of line 1 should be replaced with "that". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8, 13, 14 and 16 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Herron et al. (6,343,251).

Herron et al. discloses a method for monitoring the operation and predicting the part life consumption of turbomachinery such as a gas turbine in an electric powerplant, wherein data regarding the operation of said gas turbines is collected and analyzed so as to provide reports of the operational hours, operating conditions, number of starts, etc., so as to aid in determining the operational life of the turbomachinery and its parts, and for scheduling maintenance as necessary. Column 5, lines 10 through 26, disclose that a remote database is used to maintain information regarding many gas turbines which may be distributed overall several different locations and monitored by various different OSMs. Further, in col. 10, lines 55-60, Herron et al., also discloses that (wrt Fig. 4) a screen window provides a user interface to a database in which “data is listed both by the individual gas turbines in a listing (402) and by various groups of data, indicated by tagged formats”. Additionally,

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figure 12 (col. 12, lines 49-58) shows an exemplary summary report for various gas turbines which are represented by serial numbers in column 1402, and that for each gas turbine there is a listing of start time, stop time, turning gear hours, part load hours, etc., wherein this listing (1404) provides a summary presentation of the operating conditions of the listed gas turbines. Lastly, the top of column 13 discloses that part-specific maintenance factors which have been previously developed may be implemented using the data available on the server (22) to generate reports that identify specific parameters related to parts, such as a compressor shaft and maintenance of that part.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 – 12, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herron et al. ('251), as applied to claims 8, 13, 14 and 16-18 above, in view of Isobe et al. (6,636,813).

As set forth more fully above, Herron et al. discloses a method of monitoring the operation of a plurality of widespread gas turbines as well as predicting the part life consumption thereof, but does not particularly teach

providing an indication of either where a turbine component was manufactured, the material composition of at least a portion of the turbine component, a manufacturing step used in manufacturing the turbine component, a repair procedure that at least a portion of the turbine component underwent or the estimated cost of a repair operation.

Isobe et al. teaches in the same field of endeavor, a service life management system for a high-temperature part of a gas turbine in which one server and a plurality of client systems are connected via the internet. Figure 2 thereof clearly shows the server system (3) which makes the remaining life evaluations as well as the clients which contain information pertaining to the design of the turbine component (5c), materials used (5d), which are used in accordance the flow chart of Fig. 7 to determine the remaining life of a component in question. Figure 16 further shows that the costs of repair are estimated for a number of different selected repair methods.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Isobe et al. within the context of the turbine monitoring method of Herron et al., to gain the advantage thereof (i.e., scheduled maintenance preventing unexpected shutdowns, thereby creating an economic advantage/incentive), as such results are in no more than the use of conventionally known turbine tracking methods/systems available within the prior art.

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the

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patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).


Conclusion

7. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is 571-272-1360. The examiner can normally be reached on M-F 9:30-6:00.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJP



JACK KEITH
SUPERVISORY PATENT EXAMINER